

MEMORANDUM

INLUC
Agenda Item No. 3 (L)


TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 8, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution requiring all
real property within
educational facilities
benefit districts to be
subject to declaration of
restrictive covenant

The accompanying resolution was prepared and placed on the agenda at the request of
Chairman Joe A. Martinez.

for: 

Robert A. Ginsburg
County Attorney

RAG/bw




MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 1, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
3-1-05

RESOLUTION NO. _____

RESOLUTION REQUIRING ALL REAL PROPERTY LOCATED WITHIN EDUCATIONAL FACILITIES BENEFIT DISTRICTS ESTABLISHED IN MIAMI-DADE COUNTY AND OWNED BY APPLICANT TO BE SUBJECT TO DECLARATION OF RESTRICTIVE COVENANT; APPROVING FORM OF DECLARATION OF RESTRICTIVE COVENANT SUBJECT TO REVIEW FROM TIME TO TIME; AND REQUIRING THAT EACH APPLICANT SUBMIT DECLARATION OF RESTRICTIVE COVENANT WITH APPLICATION REQUESTING APPROVAL FOR ESTABLISHMENT OF AN EDUCATIONAL FACILITIES BENEFIT DISTRICT

WHEREAS, this Board has the authority to consider applications for, and approve the establishment of, educational facilities benefit districts within the boundaries of Miami-Dade County ("County") pursuant to Sections 1013.355-1013.365, Florida Statutes ("Act"); Section 1.01 (A) (21) of the County's Home Rule Charter; Chapter 189, Florida Statutes; and Section 11 of Article VIII of the Florida Constitution; and

WHEREAS, this Board recognizes that there is a need to provide adequate and full disclosure about educational facilities benefit districts, including assessments, to all potential purchasers of real property owned by the applicant/developer located within an educational facilities benefit district prior to the execution of a purchase contract and the final sale of the real property; and

WHEREAS, the Board wishes to require, as a matter of policy in order to provide adequate and full disclosure to the public, that all real property owned by the applicant/developer located within an educational facilities benefit district established in the County be subject to a declaration of restrictive covenant in the form attached to this Resolution as Exhibit "A" with

changes from time to time approved by the County Manager after consultation with the County Attorney's office ("Declaration of Restrictive Covenant"); and

WHEREAS, it is also the desire of this Board that each applicant/developer submit such Declaration of Restrictive Covenant to the Board with its application requesting approval for the establishment of an educational facilities benefit district,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that all real property owned by the applicant/developer located within an educational facilities benefit district established within the boundaries of the County shall be subject to a Declaration of Restrictive Covenant and that each applicant shall submit such Declaration of Restrictive Covenant to the Board with its application requesting approval for the establishment of an educational facilities benefit district.

The foregoing resolution was sponsored by Chairman Joe A. Martinez and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Dr. Barbara Carey-Shuler
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

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The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of March, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Gerald T. Heffernan



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Exhibit A

Declaration of Restrictive Covenant